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November 3, 2020

Hon. Richard J. Sullivan
US Circuit Court Judge
US Courthouse
40 Centre Street
NY, NY 10007

IT IS HEREBY ORDERED THAT the government
shall submit a letter no later than
November 9, 2020, setting forth its
position on Supervisee's request.

SO ORDERED
Dated: 11/3/2020   RICHARD J. SULLIVAN
U.S.D.J.

Re: USA v. Franklin Nunez, 13cr167 (RJS)

Dear Judge Sullivan;

Franklin Nunez is presently attending the in-patient residential drug treatment program at

Samaritan Daytop Village. When Nunez was resentenced by your Honor on July 7, 2020, the

Special Conditions of Supervised Release included 6 months in-patient substance abuse

treatment, and out-patient treatment for the remainder of his 5 year Supervised Release term.

I write to request that Nunez's in-patient substance abuse requirement be suspended for a

period of 90 days, and then reassessed in 90 days in light of the COVID-19 disease. During

suspension of the in-residence period Nunez will participate in an outpatient substance abuse

treatment program as directed by the Court, and/or the United States Probation Department.

Nunez complains that the Samaritan program residence is presently not safe under the

circumstances of the pandemic. He complains that he is lodged in a small room housing 5 people

[photo attached]. There, Nunez cannot "socially distance" in the bedroom assigned space. I am

attaching an e-mail Franklin Nunez sent to me on November 2, 2020. Nunez states Quarentine

protocols are lax for inmates.

Franklin Nunez has a long, documented history of depression. If Nunez is permitted to

leave the Samaritan Daytop in-residence program he will reside with his wife in New York City

[917-346-0797]. The address of residence is 6009 55th Street, Mashpeth, NY 11378. Mr.

Nunez will regulary attend substance abuse counseling as required during any temporarily

interrupted in residence treatment period.

Respectfully,

/B. Alan Seidler

bas/ee

M Gmail

(no subject)
1 message

Franklin Nunez <franklinnunez2020@gmail.com>   Mon, Nov 2, 2020 at 11:46 AM
To: Alan Seidler <seidlerlaw@gmail.com>

Good afternoon Mr. Seidler:

As we spoke about over the phone today, i wanted to give you a little more insight on the ludicrous conditions going on here at Samaritan Daytop Village.

First and foremost its clear that the main focus of the Administration is to fill up the beds here which in turn brings more money to the agency. This makes it impossible to be able to social distance in our bedrooms which is where we are most susceptible to contracting coronavirus. I am currently in a Room that is filled with 5 people. It is small and really should only house 3 at maximum. This makes me very close in proximity to my peers and more suceptible to contracting covid.

Furthermore, there was a client here today who had a 102 degree fever. The protocal should be to put this man back in quarantine however he is still out walking amongst us even though he is sick and the staff are aware he is sick. The staff do not seem nearly as concerned as they should be about this.

I have been in contact with my Supervising officer in reference to this as well as my goals after treatment. However he is saying that i need to focus in my treatment more. My goals and ambitions for after im out of treatment is a very large portion of the work i need to do prior to my discharge. This discourages me because i feel that me being here simply makes it easier for my officer to supervise me. Not in anyway for my betterment. Simply to make his job that much easier.

Im sharing all this with you because i am working hard to stay drug free and do the groundwork in order to maintain my sobriety post treatment. However the way of things here is not very conducive to that. Im asking that you please do what you can to aleviate this for me.

Best regards,

Franklin Nunez